

AMENDED IN ASSEMBLY MARCH 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2366

Introduced by Assembly Member Sharon Runner

February 23, 2006

An act to amend Sections 31551, 31680.2, 31680.3, 31680.4, and 31680.6 of, *and to add Section 31680.65 to*, the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2366, as amended, Sharon Runner. County employees' retirement: limited employment of county retirees.

Existing law authorizes a county to employ, without reinstatement from retirement, a retired member in a position requiring special skills or knowledge. Under existing law, a retired member may not work more than 90 working days or 720 hours, in a fiscal year or any other designated 12-month period. Existing law authorizes a board of supervisors to extend that reemployment period to permit a retired member to work up to 120 working days or 960 hours, whichever is greater, in a fiscal year or any other designated 12-month period. *Existing law requires a safety member, other than an elective officer, sheriff, or undersheriff, to retire at 60 years of age.*

This bill would *additionally* authorize a retired member *in Los Angeles County who is a safety member required to retire at 60 years of age*, to work up to 12 months or 2080 hours, whichever is greater, in a fiscal year or other designated 12-month period. This bill would additionally authorize ~~a the~~ board of supervisors to extend ~~by resolution~~ that reemployment period for ~~consecutive 12-month periods~~

an additional period not to exceed 12 months or 2080 hours, whichever is greater.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31551 of the Government Code is
2 amended to read:

3 31551. (a) A person expressly declared to be ineligible to
4 membership by this article shall not become a member of the
5 retirement association, and, except as expressly excluded, a
6 person enumerated in this article shall become a member of the
7 association.

8 (b) A person employed as a participant in a program of, and
9 whose wages are paid in whole or in part by federal funds in
10 accordance with, the Comprehensive Employment and Training
11 Act of 1973 (Public Law 93-203), as amended, is excluded from
12 membership. This exclusion shall not apply to active fire
13 suppression personnel who are safety members pursuant to
14 Sections 31469.3 and 31470.4.

15 (c) A person who has retired and is employed pursuant to
16 Section 31680.2, 31680.3, or 31680.6 is excluded from *active*
17 membership.

18 SEC. 2. Section 31680.2 of the Government Code is amended
19 to read:

20 31680.2. (a) A person who has retired may be employed in a
21 position requiring special skills or knowledge, as determined by
22 the county or district employing him or her, for not to exceed ~~12~~
23 ~~months or 2080~~ 90 *working days or 720* hours, whichever is
24 greater, in a fiscal year or other 12-month period designated by
25 the board of supervisors and may be paid for that employment.

26 (b) Employment under this section shall not operate to
27 reinstate the person as ~~a~~ *an active* member of this system or to
28 terminate or suspend his or her retirement allowance, and no
29 deductions shall be made from his or her salary as contributions
30 to this system.

31 SEC. 3. Section 31680.3 of the Government Code is amended
32 to read:

1 31680.3. (a) Notwithstanding Section 31680.2, a member
2 who has been covered under the provisions of Section 31751 and
3 has retired may be reemployed in a position requiring special
4 skills or knowledge, as determined by the county or district
5 employing the member, for not to exceed ~~12 months or 2080~~ 120
6 *working days or* 960 hours, whichever is greater, in a fiscal year
7 and may be paid for that employment.

8 (b) Employment under this section shall not operate to
9 reinstate the person as ~~a~~ *an active* member of this system or to
10 terminate or suspend the person's retirement allowance, and no
11 deductions shall be made from the person's salary as
12 contributions to this system.

13 SEC. 4. Section 31680.4 of the Government Code is amended
14 to read:

15 31680.4. (a) Notwithstanding any other provision of law, a
16 member retired for service and reemployed in a county or district
17 under this chapter shall become again an active member of the
18 retirement association upon the following:

19 (1) His or her application to the board for reinstatement.

20 (2) The determination of the board, based upon medical
21 examination, that he or she is not incapacitated for the duties
22 assigned to him or her.

23 (3) He or she meets the conditions for membership in Article 4
24 (commencing with Section 31550).

25 (b) For the purposes of this section, the effective date of the
26 member's reinstatement to active membership shall be the first
27 day of the month following the date of reemployment.

28 (c) Except as permitted in Section 31680.2, 31680.3, or
29 31680.6, the retirement allowance of the member shall be
30 canceled on the effective date of the member's reemployment
31 and shall be resumed only upon the subsequent termination of the
32 member from employment.

33 (d) This section shall not be operative in a county until the
34 board of supervisors, by resolution adopted by a majority vote,
35 makes this section and Section 31680.5 operative in that county.

36 SEC. 5. Section 31680.6 of the Government Code is amended
37 to read:

38 31680.6. Notwithstanding Section 31680.2 ~~or 31680.3~~, a
39 county subject to Section 31680.2 ~~or 31680.3~~ may, upon
40 adoption of a resolution by a majority vote by the board of

1 supervisors, extend the period of time provided for in Section
2 ~~31680.2 or 31680.3 its consecutive 12-month or 2080-hour~~
3 ~~periods. That resolution may provide for the number of~~
4 ~~consecutive periods~~ *a 31680.2 that a person who has retired may*
5 *be employed in a position requiring special skills or knowledge,*
6 *as determined by the county or district employing him or her, to*
7 *not to exceed 120 working days or 960 hours, whichever is*
8 *greater, in a fiscal year or other 12-month period designated by*
9 *the board of supervisors and that person may be paid for that*
10 *employment.*

11 (b) Employment under this section shall not operate to
12 reinstate the person as ~~a~~ *an active* member of this system or to
13 terminate or suspend his or her retirement allowance, and no
14 deductions shall be made from his or her salary as contributions
15 to this system.

16 SEC. 6. Section 31680.65 is added to the Government Code,
17 to read:

18 31680.65. (a) *Notwithstanding Section 31680.2 or 31680.3,*
19 *a person who has retired may be employed in a position*
20 *requiring special skills or knowledge, as determined by the*
21 *county or district employing him or her for a single period not to*
22 *exceed 12 months or 2080 hours, whichever is greater, and that*
23 *person may be paid for that employment.*

24 (b) *The employment of a person pursuant to subdivision (a)*
25 *may be extended for an additional period not to exceed 12*
26 *months or 2080 hours, whichever is greater, upon approval by*
27 *the board of supervisors.*

28 (c) *Employment under this section shall not operate to*
29 *reinstate the person as an active member of this system or to*
30 *terminate or suspend his or her retirement allowance, and no*
31 *deductions shall be made from his or her salary as contributions*
32 *to this system.*

33 (d) *This section applies only to a member who is subject to*
34 *mandatory retirement at 60 years of age pursuant to Section*
35 *31662.4.*

36 (e) *This section shall not be operative in a county until the*
37 *board of supervisors, by resolution adopted by a majority vote,*
38 *makes this section applicable in the county.*

- 1 (f) *This section shall apply only in a county of the first class,*
2 *as defined in Sections 28020 and 28022.*

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